

NEVADA ENVIRONMENTAL COMMISSION

STATE FISCAL YEAR 2001

JULY 1, 2000 TO JUNE 30, 2001

QUARTERLY REPORTS

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

**QUARTERLY REPORT  
NEVADA ENVIRONMENTAL COMMISSION  
PERIOD OF JULY THROUGH SEPTEMBER 2000  
1st QUARTER STATE FY 2001**

The Nevada State Environmental Commission held one regulatory hearing and two appeal hearings during the quarter. Below is a summary of performance measures output for the Commission during the quarter and year to date (1st, 2nd, 3rd, 4th quarters) for state fiscal year 2001.

ID #	State Environmental Commission	1st	2nd	3rd	4th	Total	FY 2001 ***
SEC-005	Number of public hearings	1				1	5
SEC-007	Number of appeal hearings	2				2	4
SEC-006	Number of regulations adopted	2				2	12
SEC-010	Comparison of Temporary to Permanent Regulations Adopted	0/2				0/2	4/10 ***
SEC-011	Appeals scheduled vs appeals heard	3/2				3/2	10/6 ***
SEC-012	Staff Information Responses within 3 days	20/20	....				140/140 ***
	Number of ratifications	5				5	-

\*\*\* - Reported upon Performance Measures for State Fiscal Year 2001

Note: SEC-012 is proposed to be deleted as a performance measure in the 2002-2003 budget since the advent of the Commission's web site has switch the direction of the information requests from direct servicing by staff to remote servicing through the web site.

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**ENVIRONMENTAL COMMISSION REGULATORY HEARINGS**

The Environmental Commission held a regulatory hearing on August 22, 2000 in Carson City. Two permanent regulations that were adopted. Those regulations were subsequently reviewed and approved by the Legislative Commission on September 25, 2000. The Commission appointed Alan Coyner, the Administrator from the Division of Minerals as the Vice Chairman for the Commission. Commissioner Hugh Ricci, the State Engineer replaced Michael Turnipseed who was appointed as Director of the Department of Conservation and Natural Resources. Commissioner Robert Jones of the State Board of Health was replaced with a new person designated by the Board, Dr. Joey Villaflor.

**A. Petition 2001-01 (LCB R-120-00)** is a permanent amendment to NAC 519A.235, the mining regulation and reclamation rules. The amendment establishes a trust fund for emergency reclamation activities with fees to be collected in the years 2000 and 2002.

**B. Petition 2000-11 (LCB R-118-00)** permanently amended to NAC 445B.010 to 445B.395 the air pollution control regulations. The petition amended NAC 445B.264, monitoring system: recordation of data, by removing language regarding six-minute opacity averages being used in calculations. NAC 445B.354, the maximum opacity of emissions was amended to incorporate Title 40 CFR Part 60, Appendix A, Reference Method 9 and that emission units being subject to Title 40 CFR Part 60, subparts D or Da are limited to 27 percent opacity. The existing language requires the use of an aggregate reading to determine opacity, for which no standard reference method exists.

The Commission approved an extension request by the Clark County Health District for an amendment of exemption pursuant to NAC 486A.135(3) for 30 days to October 31, 2000 as previously approved by the Environmental Commission on April 20, 2000.

**OVERTIME ACCRUED**

Budget Account 4149 does not support a payroll beyond those costs paid to Commissioners for attending hearings. Therefore no overtime is accrued for this budget account.

**CODIFIED REGULATIONS**

Staff worked at bringing up to date those regulations codified by the Legislative Counsel Bureau. Chapters 444, 444A, 445A, 445B, 445C, 459, 486A, 519A and 590 that are applicable to the Commission were refreshed and brought into alignment with the current codifications of the Legislative Counsel Bureau's Legal Division. These regulations will be placed on the Commission's web site in the next quarter.

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**APPEAL HEARINGS**

Two appeal hearings were held during the quarter. The Commission on August 10, 2000 heard in Las Vegas the petition of Robert Hall of the Nevada Environmental Coalition to overturn the water pollution control permit issued by the Bureau of Water Pollution Control for the Las Vegas Valley Water District. The panel of Commissioner's Crawford (Chairman), Gifford and Johnson heard the arguments and ruled to uphold the Division's issuance of a permit. As of the date of this report no filing for judicial review has been made by the appellant.

The second appeal, heard on September 21, 2000 involved air quality violations from the Bureau of Air Quality and Western Elite, a composting operation in southern Lincoln county. This hearing was also held in Las Vegas, with a Commission panel of Doppe, Gifford and Johnson. The Commission upheld the Division's two minor and one major finding and order. The Commission levied a fine of \$ 1,000 for the major violation. Below is a more detailed discussion of the two appeals.

The Nevada Division of Environmental Protection, Bureau of Water Pollution Control, on March 20, 2000, issued a major modification for Underground Injection Control Permit UNEV87054 for the Las Vegas Valley Water District to include, within the existing permit, ten (10) additional injection wells. The wells inject treated drinking water supplied by the Southern Nevada Water System into the principal Las Vegas Valley aquifer for the purpose of artificial recharge. The Bureau asserts that it acted in accordance with NAC 445A.810 through NAC 445A.925. Nevada Environmental Coalition, Robert W. Hall, President, 10720 Button Willow Drive, Las Vegas, Nevada 89134 and the Nevada Public Law Advocates Inc., Robert W. Hall, President, appealed the Decision dated March 20, 2000 by the Nevada Division of Environmental Protection regarding the modification of Underground Ground Injection Permit UNEV87054.

The Nevada Division of Environmental Protection, Bureau of Air Quality, on February 10, 1999 issued a Notice of Alleged Violation (NOAV) #1364 on February 10, 1999 for failure to control dust (Nevada Administrative Code or NAC 445B.365) at the Western Elite compost facility located 8 miles north of the Clark County line in Lincoln County. The Bureau, on May 3, 2000, issued NOAV #1435 for fugitive dust (NAC 445B.365) at the facility and on July 21, 2000 the Bureau issued NOAV #1450 for fugitive dust emissions from the facility pursuant to NAC 445B.365. NOAVs #1364 and #1435 are considered minor violations, and #1450 is a major violation. All alleged violations related to Air Quality Operating Permit AP2411-0775.

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SETTLEMENT RATIFICATIONS

The Environmental Commission ratified five settlements on August 22, 2000 and issued one major fine for Western Elite at the conclusion of the September 21, 2000 appeal hearing..

MAJOR FINES NOAV #	COMPANY	AMOUNT \$	COUNTY
NOAV # 1452	Rees's Enterprise	\$ 1,120	Lander
NOAV # 1447	Wulfenstein Construction Company	\$ 1,000	Nye
NOAV # 1441, 1442 and 1443.	Granite Construction Company	\$ 15,300	Carson City
NOAV # 1439	Sierra Nevada Feeds	\$ 5,000	Pershing
NOAV # 1444	Q & D Construction	\$ 6,000	Lyon
NOAV # 1450	Western Elite, Inc.	\$ 1,000	Lincoln
QUARTERLY TOTALS		\$ 29,420	
FISCAL YEAR 2001 TOTALS		\$ 29,420	

AS PREPARED BY

David R. Cowperthwaite, Executive Secretary, October 3, 2000

**QUARTERLY REPORT  
NEVADA ENVIRONMENTAL COMMISSION  
PERIOD OF OCTOBER THROUGH DECEMBER 2000  
2nd QUARTER STATE FY 2001**

The Nevada State Environmental Commission held two regulatory hearing during the quarter. Below is a summary of performance measures output for the Commission during the quarter and year to date (1st, 2nd, 3rd, 4th quarters) for state fiscal year 2001.

ID #	State Environmental Commission	1st	2nd	3rd	4th	Total	FY 2001 ***
SEC-005	Number of public hearings	1	2			3	5
SEC-007	Number of appeal hearings	2	0			2	4
SEC-006	Number of regulations adopted	2	1			3	12
SEC-010	Comparison of Temporary to Permanent Regulations Adopted	0/2	1/0			1/2	4/10 ***
SEC-011	Appeals scheduled vs appeals heard	3/2	0/0			3/2	10/6 ***
SEC-012	Staff Information Responses within 3 days	20/20	.... 16/16			36/36	140/140 ***
	Number of ratifications	5	0			5	-

\*\*\* - Reported upon Performance Measures for State Fiscal Year 2001

Note: SEC-012 is proposed to be deleted as a performance measure in the 2002-2003 budget since the advent of the Commission's web site has switch the direction of the information requests from direct servicing by staff to remote servicing through the web site.

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**ENVIRONMENTAL COMMISSION REGULATORY HEARINGS**

The Environmental Commission held a regulatory hearing on December 5, 2000 in Yerington and a teleconference on December 18, 2000 regarding the winter time opacity variance for Southern California Edison's Mohave power plant in Laughlin. One temporary regulation was adopted on December 5, 2000. The Commission on December 5, 2000 heard the water quality standards for the Walker River and Lake. The Commission received Dr. Joey Villafior, from the State Board of Health. Dr. Villafior replaces Robert Jones.

**December 5, 2000 Hearing**

**A. Petition 2001-02** temporarily amended NAC 444.842 to 444.960, the hazardous waste regulations. The proposed amendments update the State's adoption of federal regulations by reference by amending NAC 444.8427, 444.84275, 444.850 and 444.9452 to refer to federal regulations as they existed on July 1, 2000 and modify 444.8632 to adopt 40 CFR Parts 2, Subpart A, 124, Subparts A and B, Parts 260 to 270 and Part 279 as those parts existed on July 1, 2000

**B. Petition 2000-10 (LCB R-104-00)** is a permanent amendment to NAC 445A.119 to 445A.225, the water pollution control standards for water quality. The amendment adds new water quality standards and beneficial uses for Walker Lake and amends the standards for various reaches of the East and West forks of the Walker River. A new control point is proposed to be added on the east Walker River at Bridge B-1475 at the state line with California. Amendments are proposed for NAC 445A.159 to 445A.169, inclusive including Sweetwater Creek and Desert Creek of the Walker River. Amendments vary for each reach defined above, but include: temperature, pH, total phosphates, nitrogen species as N, Dissolved Oxygen, suspended solids, turbidity, color, total dissolved solids, chloride, sulfate, the sodium adsorption ratio, alkalinity and Escherichia coli. It is proposed to revise the time period that adult Lahontan cutthroat trout may be present in the reach from Walker Lake to Weber Reservoir. **(Note: This petition was not acted upon by the Commission, with an additional hearing scheduled for February 15, 2001 in Reno)**

**December 18, 2000**

Southern California Edison requested a variance to the opacity requirements for the Mohave power generation facility at Laughlin, Nevada. Southern California Edison requested the new variance pursuant to Nevada Administrative Code 445B.357. This request is made due to emergency conditions, potentially causing "rolling blackouts" in California. The request would allow Mohave Generating Station to operate at full power producing capacity for limited durations of time in response to Cal-ISO identified emergency conditions. The Commission approved the variance for 60 hours, with an expiration on February 15, 2001.

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**OVERTIME ACCRUED**

Budget Account 4149 does not support a payroll beyond those costs paid to Commissioners for attending hearings. Therefore no overtime is accrued for this budget account.

**APPEAL HEARINGS**

There were no appeal hearings held during this quarter.

**SETTLEMENT RATIFICATIONS**

MAJOR FINES NOAV #	COMPANY	AMOUNT \$	COUNTY
QUARTERLY TOTALS		\$ 0	
FISCAL YEAR 2001 TOTALS		\$ 29,420	

**AS PREPARED BY**

David R. Cowperthwaite, Executive Secretary, January 10, 2001



**QUARTERLY REPORT  
NEVADA ENVIRONMENTAL COMMISSION  
PERIOD OF JANUARY THROUGH MARCH 2001  
3rd QUARTER STATE FY 2001**

The Nevada State Environmental Commission held one regulatory hearing during the quarter. Below is a summary of performance measures output for the Commission during the quarter and year to date (1st, 2nd, 3rd, 4th quarters) for state fiscal year 2001 (July 1, 2000 to June 30, 2001).

ID #	State Environmental Commission	1st	2nd	3rd	4th	Total	FY 2001 ***
SEC-005	Number of public hearings	1	2	1		4	5
SEC-007	Number of appeal hearings	2	0	0		2	4
SEC-006	Number of regulations adopted	2	1	2		5	12
SEC-010	Comparison of Temporary to Permanent Regulations Adopted	0/2	1/0	1/1		2/3	4/10 ***
SEC-011	Appeals scheduled vs appeals heard	3/2	0/0	1/0		3/2	10/6 ***
SEC-012	Staff Information Responses within 3 days	20/20	.... 16/16	20/1 8		56/54	140/140 ***
	Number of ratifications	5	0	0		5	-

\*\*\* - Reported upon Performance Measures for State Fiscal Year 2001

Note: SEC-012 is proposed to be deleted as a performance measure in the 2002-2003 budget since the advent of the Commission's web site has switch the direction of the information requests from direct servicing by staff to remote servicing through the web site. In the 3rd quarter two information requests could not be promptly processed since the request dealt with the production of a verbatim transcript for the Commission hearing of February 15, 2001, and as such the Commission has 30 days to prepare a transcript.

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SFY 2001 3rd QUARTER REPORT  
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**ENVIRONMENTAL COMMISSION REGULATORY HEARINGS**

The Environmental Commission held a regulatory hearing on February 15, 2001 in Carson City. The Commission on December 5, 2000 heard the water quality standards for the Walker River and Lake. Testimony and a decision to adopt the standards occurred at the February 15, 2001 hearing. The Commission received Steve Robinson, the State Fire Warden. He replaces Roy Trenowith.

**February 15, 2001 Hearing**

**A. Petition 2000-10 (LCB R-104-00)** is a permanent amendment to NAC 445A.119 to 445A.225, the water pollution control standards for water quality. The amendment adds new water quality standards and beneficial uses for Walker Lake and amends the standards for various reaches of the East and West forks of the Walker River. A new control point is proposed to be added on the east Walker River at Bridge B-1475 at the state line with California. Amendments are proposed for NAC 445A.159 to 445A.169, inclusive including Sweetwater Creek and Desert Creek of the Walker River. Amendments vary for each reach defined above, but include: temperature, pH, total phosphates, nitrogen species as N, Dissolved Oxygen, suspended solids, turbidity, color, total dissolved solids, chloride, sulfate, the sodium adsorption ratio, alkalinity and Escherichia coli. It is proposed to revise the time period that adult Lahontan cutthroat trout may be present in the reach from Walker Lake to Weber Reservoir. **(Note: This petition was not acted upon by the Commission on December 5, 2001.)**

**B. Petition 2001-06** is a temporary amendment to NAC 459.952 to 459.95528, the chemical accident prevention program. The temporary regulation adds new provisions to incorporate explosives manufacturing into the program, to add construction permit requirements for new chemical and explosive facilities, and other minor technical amendments to the regulations to reflect statutory amendments to the list of regulated chemicals. Facilities that manufacture explosives or ammonium nitrate/fuel oil for sale will be subject to the requirements of the program. A fee structure to regulate explosive facilities is established.

Two air quality petitions 2000-12 (LCB R-117-00) and temporary petition 2001-05 were withdrawn from consideration at the hearing. Two temporary public building recycling petitions (2001-03 and 2001-04) were scheduled for hearing, but were not heard by the Commission at the February 15, 2001 hearing. All four petitions have been scheduled for hearing and action by the Commission on May 10, 2001.

**OVERTIME ACCRUED**

Budget Account 4149 does not support a payroll beyond those costs paid to Commissioners for attending hearings. Therefore no overtime is accrued for this budget account.

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**APPEAL HEARINGS**

There were no appeal hearings held during this quarter. An appeal hearing was setup for Nevada Slag versus the Bureau of Air Quality on February 27, 2001, however on February 26, 2001 the parties moved for a continuance.

**SETTLEMENT RATIFICATIONS**

MAJOR FINES NOAV #	COMPANY	AMOUNT \$	COUNTY
QUARTERLY TOTALS		\$ 0	
FISCAL YEAR 2001 TOTALS		\$ 29,420	

**AS PREPARED BY**

David R. Cowperthwaite, Executive Secretary, April 3, 2001

**QUARTERLY REPORT  
NEVADA ENVIRONMENTAL COMMISSION  
PERIOD OF APRIL THROUGH JUNE 2001  
4th QUARTER STATE FY 2001**

The Nevada State Environmental Commission held one regulatory hearing on May 10, 2001 and one variance hearing on June 21, 2001 during the quarter. Below is a summary of performance measures output for the Commission during the quarter and year to date (1st, 2nd, 3rd, 4th quarters) for state fiscal year 2001 (July 1, 2000 to June 30, 2001).

ID #	State Environmental Commission	1st	2nd	3rd	4th	Total	FY 2001 ***
SEC-005	Number of public hearings	1	2	1	2	6	5
SEC-007	Number of appeal hearings	2	0	0	0	2	4
SEC-006	Number of regulations adopted	2	1	2	5	10	12
SEC-010	Comparison of Temporary to Permanent Regulations Adopted	0/2	1/0	1/1	4/1	6/4	4/10 ***
SEC-011	Appeals scheduled vs appeals heard	3/2	0/0	1/0	0/0	3/2	10/6 ***
SEC-012	Staff Information Responses within 3 days	20/20	.... 16/16	20/1 8	17 / 17	73/ 71	140/140  ***
	Number of ratifications	5	0	0	6	11	-

\*\*\* - Reported upon Performance Measures for State Fiscal Year 2001

Note: SEC-012 is proposed to be deleted as a performance measure in the 2002-2003 budget since the advent of the Commission's web site has switch the direction of the information requests from direct servicing by staff to remote servicing through the web site.

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SFY 2001 4th QUARTER REPORT  
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**ENVIRONMENTAL COMMISSION REGULATORY HEARINGS**

The Environmental Commission held one regulatory hearing on May 10, 2001 in Reno. The Commission on May 10, 2001 heard and adopted five regulatory petitions, four temporary and one permanent regulation. The Commission deferred further action on petition 2000-10 (LCB 104-00) Walker Lake and River standards after they were returned from the Legislative Commission after it's April 17, 2001 meeting and the action of the legislature on SCR 40.

**May 10, 2001 Regulatory Hearing**

**A. Petition 2001-03** is a temporary amendment to NAC 444A.005 to 444A.470 to extend programs for separating at the source recyclable material from other solid waste to include public buildings in counties with populations greater than 100,000. The adopted temporary regulations add for public buildings the minimum standards and a model plan which were previously established for the source separation of recyclables at residential premises. Definitions for public building, paper and paper product are added. NAC 444A.120 is amended to add public buildings and 444A.130 is amended to provide for a municipality to make available a source separation of recyclable materials at public buildings.

**B. Petition 2001-04** is a temporary amendment to NAC 232 and/or NAC 444A. The adopted temporary regulation prescribes the paper and paper product recycling procedures for state agencies. The temporary regulation provides criteria for exemption from the recycling requirements, provides for clearly labeled containers, establishes reporting criteria by state agencies and requires a building recycling plan to be submitted to the Division of Environmental Protection.

**C. Petition 2000-12 (LCB R-117-00)** is a permanent amendment to NAC 445B.001 to 445B.395, the air pollution control regulations. Amended is NAC 445B.194, which limits the criteria for temporary sources. NAC 445B.287 redefines the requirement when an operating permit or permit to construct is required. NAC 445B.288 redefines insignificant activities. NAC 445B.290 requires new stationary Class I sources to submit an application. NAC 445B.295 redefines the requirements for compliance plans. NAC 445B.316 amends the description of emissions trading to be modified to ensure consistency with 40 CFR Part 70 and provides conditions governing a permit shield. And, finally, NAC 445B.331 is amended for change of location fees for Class I and II sources requiring 10 days advanced notice.

**D. Petition 2001-05** is a temporary amendment to NAC 445B.001 to 445B.395, the state air pollution control permitting program. The adopted temporary regulation amends NAC 445B by creating and defining a new classification of operating permits. The new Class III permit will provide eligible sources (those emitting 5 tons or less of specific pollutants) a streamlined permitting process, which includes accelerated permit review and issuance and lower permitting fees. This regulation will provide regulatory relief for small quantity sources.

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**E.      Petition 2001-07** is a temporary amendment to NAC 445A.810 to 445A.925, the underground injection control (UIC) program. The adopted amendment provides that “other Sensitive Groundwater Areas” can be determined to meet compliance with the proposed regulations. The regulations revise outdated Nevada Revised Statute references, the expansion of minor permit modification criteria and logistics, the expansion of temporary permit criteria, methods to establish permit limits in the absence of specific standards, and the prohibition on treated effluent is to be repealed. New definitions for cesspool, Class V Rule, delineation, drywell, groundwater protection area, improved sinkhole, other sensitive groundwater area, motor vehicle waste disposal well, point of injection, sanitary waste, septic system, source water assessment and protection program, subsurface fluid distribution system, are proposed amendments. Restrictions are imposed on Motor Vehicle Waste Disposal wells. Fees for renewals in NAC 445A.872 are reduced, repealed and incorporated into the existing annual fee. This fee category is expanded to included major modifications.

**VARIANCE HEARING**

The Commission on June 21, 2001 in Laughlin, Nevada held a variance hearing as requested by Southern California Edison for a variance to the opacity requirements for the Mohave Generating Station located in Laughlin. The variance was received on May 21, 2001 from the power company. The Commission acted in a 8-0 vote **to deny** the variance request. The variance request would have allowed the powerplant to operate at a 100% electrical generating capacity when called upon by the California ISO during stage III emergency conditions.

**OVERTIME ACCRUED**

Budget Account 4149 does not support a payroll beyond those costs paid to Commissioners for attending hearings. Therefore no overtime is accrued for this budget account.

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**APPEAL HEARINGS**

There were no appeal hearings held during this quarter.

**SETTLEMENT RATIFICATIONS**

MAJOR FINES NOAV #	COMPANY	AMOUNT \$	COUNTY
1461, 1462 & 1463	CB Aggregate	3,600	Lyon
1459	Priske-Jones Nevada	1,800	Lyon
1465	A & K Earthmovers	1,500	Lyon
1508, 1510 & 1511	Round Mountain Gold Corp.	3,060	Nye
1468	Ree's Enterprise	1,800	Lyon
1473	Frehner	7,380	Lyon
QUARTERLY TOTALS		\$ 19,140	
FISCAL YEAR 2001 TOTALS		\$ 48,560	

**AS PREPARED BY**

David R. Cowperthwaite, Executive Secretary, July 2, 2001